

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

ALDDINE MONTS,

Plaintiff,

v.

CIVIL ACTION FILE  
NO.: 1:13-CV-154

CITY OF AMERICUS, GEORGIA,  
POLICE DEPARTMENT, DARRELL  
AMBOS, and LESLIE GAITER,

Defendants.

Deposition of LESLIE GAITER,  
taken in the above styled case on the 8th day of July, 2014,  
at the Sumter County Courthouse, 500 West Lamar Street, Room  
D-1 Number 318, Americus, Georgia; commencing at  
approximately 10:07 a.m., before Judy B. Scott, Certified  
Court Reporter B-1487, Georgia.

APPEARANCES:

FOR THE PLAINTIFF: THOMAS G. LEDFORD, ESQ.  
P.O. Box 287  
Albany, GA 31702

FOR THE DEFENDANTS: KENDRICK K. McWILLIAMS, ESQ.  
Caller Service Number 1808  
Alpharetta, GA 30323-1808

ALSO PRESENT: ALDDINE MONTS

JUDY B. SCOTT  
Certified Court Reporter  
P.O. Box 70982  
Albany, Georgia 31708-0982  
(229) 431-1975

1 PROCEEDINGS

2

3 MR. LEDFORD: Before I start, I want to say this  
4 deposition is taken pursuant to the Federal Rules of  
5 Civil Procedure, pursuant to Notice and by agreement.  
6 Is that correct, Mr. McWilliams?

7 MR. McWILLIAMS: It is.

8

9

10

11

12 Whereupon,

13 LESLIE GAITER,

14 having first been duly sworn to tell the truth, testified as  
15 follows:

16 CROSS-EXAMINATION

17 BY MR. LEDFORD:

18 Q Officer Gaiter, I'm Tom Ledford. I'm Mrs. Monts'  
19 attorney. I'm going to be asking you some questions today.

20 A Okay.

21 Q If at any time you don't understand my question,  
22 if you want me to repeat it for whatever reason --

23 A Uh-huh (yes).

24 Q -- just tell me, and I'll do so; okay?

25 A Okay.

1           Q     But if you answer, I'm going to assume that you've  
2     heard and understood my question. Is that okay?

3           A     Yes, sir.

4           Q     And that you answered truthfully. Is that  
5     agreeable?

6           A     Yes, sir.

7           Q     Give us your full name, please, sir.

8           A     Leslie Gaiter, II.

9           Q     What's your current address, Mr. Gaiter?

[REDACTED]

12          Q     And what is your date of birth, please, sir?

[REDACTED]

14               MR. LEDFORD: And let's go off the record for just  
15     a moment, please.

16               (Whereupon, a discussion was held off the record.)

17          Q     (By Mr. Ledford) Are you married?

18          A     No, sir.

19          Q     Do you live with anyone?

20          A     No, sir.

21          Q     And I assume that you have relocated did you say  
22     to Augusta?

23          A     Yes, sir.

24          Q     Are you employed there?

25          A     Yes, sir.

1 Q Where do you work?

2 A The Richmond County Sheriff's Office.

3 Q And what is your position there?

4 A Deputy Sheriff.

5 Q When did you move?

6 A I just moved in June.

7 Q Have you got settled in?

8 A Not really, but --

9 Q You're still unpacking?

10 A Yeah.

11 Q I wanted to get into your history, personal

12 history, if I may --

13 A Okay.

14 Q -- briefly. Why don't you tell us where you were

15 born and then where you lived generally from early childhood

16 and come forward.

17 A Okay. I was born in Colorado Springs, Colorado.

18 I lived in Dale City, Virginia. I've lived in Buford,

19 Georgia, as well. I graduated high school there and moved

20 to Americus in 2009, and now I live in Augusta.

21 Q Yes, sir. Tell us about your education.

22 A High school education, just say I went to North

23 Gwinnett High School, like I say, graduated in 1997.

24 Q Any education after high school?

25 A No, sir; just the Police Academy, which they gave



1     you college credits for.

2           Q     Now, tell us about your employment history. Why  
3     don't you start with the first job you had --

4           A     Okay.

5           Q     -- and come forward.

6           A     Okay. The first job I ever had was Arrow Lumber &  
7     Supply, and that was in Suwanee, Georgia, and I got that  
8     after I graduated, just loaded lumber onto forklifts. I  
9     worked for my family after that, and I worked for them for  
10    about three years. After I did that, I did private security  
11    for a couple years with two different places. And then I  
12    went to work for my family again. And in 2009, I went to  
13    the Americus Police Department and left there this year to  
14    go to the Richmond County Sheriff's Office.

15          Q     Your family has a business, I assume.

16          A     Yes, sir.

17          Q     What type of business?

18          A     They do -- they have a private security business.

19          Q     And where is that located?

20          A     It's in Virginia, but they also do -- they did  
21    have some contracts in Atlanta as well.

22          Q     And what is the name of their business?

23          A     Nationwide Enforcement.

24          Q     Are you an owner --

25          A     No, sir.

1 Q -- in any way?

2 A No.

3 Q Now, why don't you start with your first job in  
4 law enforcement.

5 A Okay.

6 Q When was that?

7 A 2009 with the Americus Police Department.

8 Q And what was your beginning position?

9 A Patrolman.

10 Q And what rank would that have been?

11 A Just that's the basic rank. That's starting at  
12 the bottom.

13 Q And what did you do as patrolman?

14 A Responded to 911 calls, also patrolling the city  
15 as well.

16 Q You've been in law enforcement ever since then --

17 A Yes, sir.

18 Q -- ever since 2009?

19 A Yes, sir.

20 Q Without any break of any consequences?

21 A No, sir.

22 Q Tell us about your education and training as a law  
23 enforcement officer.

24 A Well, I went to Basic Mandate. I've got  
25 certifications also outside of the agency as well; but Basic

1 Mandate and then after working with the Department, I've had  
2 other training that I've received afterwards.

3 Q What's Basic Mandate?

4 A Just going to the basic Police Academy. I went  
5 for 18 weeks. And you get all your training that you would  
6 get in any regional academy in the State of Georgia.

7 Q Where was that at?

8 A South Georgia Tech.

9 Q Here in Americus?

10 A Yes, sir.

11 Q Now, after your first entry into law enforcement,  
12 did you get any promotions?

13 A No, sir.

14 Q Have you ever been promoted?

15 A No, sir.

16 Q You're POST Certified?

17 A Yes, sir.

18 Q When were you POST Certified?

19 A My first POST Certification, actually the date I  
20 graduated, was March 2010.

21 Q Now, I'm a layman, okay, and I don't know a whole  
22 lot about a lot of things, including law enforcement. Why  
23 don't you tell me what is POST Certified.

24 A Well, that's just the title they come up with, and  
25 what it is, is by the State of Georgia you're mandated and

1 have arrest powers, powers of arrest throughout the State of  
2 Georgia.

3 Q What sort of training do you receive?

4 A You get all types. You get general law -- excuse  
5 me -- you get criminal procedure, criminal law, traffic law,  
6 and then various other training as well, field --  
7 standardized field sobriety, taser training, emergency  
8 vehicle operation, hazard materials, and just, I mean, a lot  
9 of training. They squeeze it all into 18 weeks.

10 Q Yes, sir. You get a little legal background and  
11 training as well I've heard.

12 A Yes, sir.

13 Q And you've heard of the Miranda Rights --

14 A Yes, sir.

15 Q -- and various other rights and laws? Let me ask  
16 you this. You served with the City of Americus Police  
17 Department since 2009?

18 A Yes, sir. I was hired in 2009 and went to the  
19 Academy and graduated in March 2010.

20 Q Do you recall what month you were hired by  
21 Americus P.D.?

22 A Yes, sir; June 2009.

23 Q And you worked continuously with the Americus P.D.  
24 until you recently went to Augusta, and you work with the  
25 Sheriff's Department there?

1           A     Yes, sir.

2           Q     And what county is that?

3           A     That's Richmond County.

4           Q     Richmond County?

5           A     Yes, sir.

6           Q     And the highest rank that you obtained at the  
7 Americus P.D., what was that?

8           A     Police Officer.

9           Q     Police Officer?

10          A     Yes, sir.

11          Q     That's the basic entry-level; is that correct?

12          A     Yes, sir.

13          Q     Now, the case in which we're here today on  
14 involves a complaint by Mrs. Monts against you and Officer  
15 Ambos --

16          A     Uh-huh (yes).

17          Q     -- and the Americus Police Department and the City  
18 of Americus. Have you ever at any time during your law  
19 enforcement career, from 2009 forward to today, ever  
20 received any complaints other than that by Mrs. Monts?

21          A     I received complaints. Formal complaints, they  
22 have to go through the procedures, and only one. The other  
23 ones, people haven't went through the procedure all the way.

24          Q     The others did not go through the proper  
25 procedures --



1           A     No, sir.

2           Q     -- or completely through the procedures?

3           A     No, sir.

4           Q     Well, tell me about the procedures. What are the  
5 procedures for making a complaint?

6           A     You have to go and get a packet and fill it out  
7 and --

8           Q     Where do you get that at?

9           A     From the Americus Police Department, from a  
10 supervisor. And once they fill out the packet, it has to be  
11 turned back in, and then it goes from there. They did have  
12 an Internal Affairs at that point. They used to. They  
13 don't have one anymore, I don't believe, but I know the  
14 procedure is you have to actually turn it in, and then it  
15 goes from there.

16          Q     Now, on or about July the 27th of 2012, that being  
17 the date of the incident for which Mrs. Monts has filed a  
18 complaint, do you know whether or not she actually went  
19 through the formal process of filing a complaint?

20          A     From my understanding, she did.

21          Q     She did?

22          A     Uh-huh (yes).

23          Q     Okay. And if you'll answer yes or no --

24          A     Okay. Yes.

25          Q     -- because the court reporter has got to get it --

1           A     All right.  Yes.

2           Q     -- I'd appreciate it.  And who would she have seen  
3     to start the complaint process, pertaining to the incident  
4     with you?

5           A     Sergeant Norton.

6           Q     And what is Sergeant Norton's position?

7           A     He's an investigator.

8           Q     For the Americus P.D.?

9           A     Yes, sir.

10          Q     Is he in charge of Internal Affairs, so to speak?

11          A     He was at one point.

12          Q     Was he back then, on or about July the 27th of  
13     2012, in charge of Internal Affairs with the Americus P.D.?

14          A     Yes, sir.

15          Q     So, she went to him, to your knowledge or  
16     recollection, and obtained the paperwork to file a  
17     complaint; is that correct?

18          A     Yes, sir.

19          Q     Have you at any time during your law enforcement  
20     career, for any reason, ever been reprimanded?

21          A     Yes, sir.

22          Q     Tell us about the various times, if it's more than  
23     one.

24          A     Okay.  I was reprimanded three times, and that was  
25     my first year, once for mishandling evidence, and that



1 was -- and another time for an accident, and then a third  
2 time for just not being aware of the -- well, I'm sorry --  
3 two times, actually, and it was once for an accident and it  
4 was another time for mishandling evidence.

5 Q Well, tell us about the first one.

6 A Okay. The mishandling evidence was we were  
7 sharing a car, me and another officer, and I found  
8 something. I wasn't sure what it was. It was kind of  
9 suspicious. It looked like it might have been some type of  
10 drugs or something, so we did collect it and put it in the  
11 car and actually left it there and forgot about it, and the  
12 shift change came and forgot to just drop it in the evidence  
13 box.

14 Q Did the evidence show up in the proper place  
15 eventually?

16 A Yes.

17 Q Now, tell us about the second time.

18 A I had a minor accident. I was pulling into the  
19 police department and turned and caught the side of the van  
20 when I was turning into the parking space and got written up  
21 for that.

22 Q Now, have you ever been sued for any reason --

23 A No.

24 Q -- other than this time?

25 A Yes.

1 Q This is the first and only time?

2 A Yes, sir, I hope so.

3 Q Okay; all right. Let me ask you -- I had served  
4 you with certain papers, discovery, when the lawsuit was  
5 served on you --

6 A Uh-huh (yes).

7 Q -- Interrogatories. Does that ring a bell,  
8 questions, written questions?

9 A Yes, sir.

10 Q Okay. And it may be that these written questions  
11 were served on you after that, after the service of the  
12 lawsuit; but, anyway, you recall getting Interrogatories or  
13 written questions --

14 A Yes, sir.

15 Q -- from my office?

16 A Yes, sir.

17 Q And I will refer you to Interrogatory Number 8.  
18 Would you just read that for the record, just that first  
19 paragraph?

20 A Yes, sir. "State the beginning dates of employ  
21 for you with the City of Americus, Americus, Georgia, Police  
22 Department in Americus, Sumter County, Georgia, stating  
23 current status, current rank, listing all assessments and  
24 annual review report scores since your employ, reason for  
25 your low scores or less than satisfactory rating, and state

1 if you have received a PIP, RIP, or Probationary Improvement  
2 Requirement in your file with any law enforcement or  
3 military agency."

4 Q Okay. Now, I would refer you particularly to the  
5 portion of that Interrogatory Number 8 that pertains to PIP,  
6 RIP, or Probationary Improvement Requirement. Are you  
7 familiar with those terms?

8 A No, sir.

9 Q Do you know what a Probationary Improvement  
10 Requirement would be?

11 A No, sir.

12 Q Have you been placed on probation at any time in  
13 your law enforcement career?

14 A No, sir.

15 Q You were not placed on probation for the incident  
16 involving Mrs. Monts?

17 A No, sir.

18 Q Now, you've had taser training from your  
19 testimony?

20 A Yes, sir.

21 Q Tell us what all was involved in that taser  
22 training.

23 A You get a knowledge of how the taser works, all  
24 the working parts. You go over the nomenclature of the  
25 taser itself, and you're actually tased at the end. It's

1 optional, but I did the five seconds, which basically just  
2 the -- when you go over like the taser certification, you  
3 get all the knowledge of it and the working parts.

4 Q How does it feel to be tased?

5 A It hurts.

6 Q Yes, sir. Can you describe it in a little more  
7 detail?

8 A Yes, sir. It feels like a muscle spasm through  
9 your whole body. You can feel your body actually lock up.

10 Q What is the average length of the taser process?  
11 How long does someone get tasered when they are tasered?

12 A If it's correctly, in five seconds.

13 Q Is five seconds then essentially the standard time  
14 to taser someone?

15 A Yes.

16 Q Are you able to increase the length of time on  
17 your taser gun?

18 A No.

19 Q Are you able to decrease the time?

20 A No; unless you cut it off.

21 Q There's a term called standard, a standard setting  
22 for a taser gun. What does that mean?

23 A The standard setting is at five seconds each time  
24 that it's deployed. There are other drive stuns, but each  
25 cycle is five seconds.

1           Q     Now, you were trained in tasering when you went to  
2 POST?

3           A     Yes, sir.

4           Q     And how long -- how many times, rather, would the  
5 standard for tasing someone be? How many times would you  
6 taser the average person?

7           A     From my training, it would be as far as until  
8 you're able to get compliance. You know, you may tase a  
9 person one time and then you try to give them commands again  
10 and go from there. If they don't comply, then you give them  
11 a second one. It wouldn't be a problem with that.

12          Q     Have you ever tasered anyone other than  
13 Mrs. Monts?

14          A     Yes.

15          Q     How many times?

16          A     I never -- I didn't tase Mrs. Monts.

17          Q     I'm sorry.

18          A     Yes, sir.

19          Q     You were there when Mrs. Monts was tasered --

20          A     Yes, sir.

21          Q     -- by Officer Ambos?

22          A     Yes, sir.

23          Q     Have you ever tasered anyone?

24          A     Yes, sir.

25          Q     How many people?



1           A     Two.

2           Q     And can you tell us about those incidents, please?

3           A     Yes, sir. One person was going for a knife in a  
4 kitchen, and we had been trying to talk to them and talk  
5 them down. When he went for the knife, I deployed my taser.  
6 I had another incident with a gentleman that told us he was  
7 going to shoot us and he resisted arrest, and I deployed my  
8 taser on him as well.

9           Q     How many times did you taser each of those people?

10          A     Once.

11          Q     And both of these were males?

12          A     Yes, sir.

13          Q     So, it would be one tasing of each was enough to  
14 get their attention, I assume?

15          A     Yes, sir. Well, the first time, yes, I got a  
16 good -- I actually got a connection. The second time I did  
17 not get a connection on that person. And if you don't get a  
18 connection, then sometimes it doesn't work properly. And in  
19 that case, the second time it didn't work.

20          Q     So, the second person, was that the person that  
21 drew the gun?

22          A     No; that was the person -- well, he didn't  
23 actually draw a gun. He said he was going to shoot us. We  
24 ended up having to fight with him, yes, sir.

25          Q     The taser gun actually sends out, I guess, metal

1 tips that are on the end of the wires?

2 A Uh-huh (yes), prongs; yes, sir. They're called  
3 prongs.

4 Q Prongs?

5 A Yes, sir.

6 Q And those prongs, do they embed in the person's  
7 skin or muscle tissue?

8 A I won't say embed. I'll say they make a  
9 connection to their body, but --

10 Q Do they stay there when they hit the person?

11 A They stick, but they don't go in very far. They  
12 just barely will go into a person's skin.

13 Q Will the leads penetrate clothing, for example?

14 A It can, but if the person's clothing is baggy,  
15 it's going to be difficult.

16 Q How do you remove the leads?

17 A You have to actually stick your hand in the  
18 general area and just pull it out, and they come right out.

19 Q The tasering process has a protocol to it; is that  
20 correct?

21 A Uh-huh (yes). What are -- I'm sorry; I don't know  
22 what you're --

23 Q There's instructions and guidelines laid out in  
24 the tasering process; am I correct?

25 A Yes, sir.



1 Q Why don't you just run through that for us.

2 A Well, I don't know them. I'm sorry.

3 Q Well, what do you do when you taser someone?

4 You've done it twice.

5 A Yes, sir.

6 Q How do you give notice, for example?

7 A You do let other people around know that you are  
8 deploying your taser. You do let the person know that they  
9 are going to be tased, to try to gain compliance. If it's  
10 not -- if the person is not compliant and you have to deploy  
11 your taser, you let the person around you know.

12 Q Once you pull your taser gun, what do you say,  
13 "Taser-taser"?

14 A Yes, sir.

15 Q How many times do you say that?

16 A There's no number of times, but if you say -- most  
17 people say, "Taser-taser," but there's no set number of  
18 times to say, "Taser."

19 Q After you or the officer says, "Taser-taser," are  
20 you beyond the point of no return; and by that, are you  
21 definitely going to taser the person, or does the person  
22 whom you're fixing to taser have an opportunity to cease and  
23 desist whatever they're doing to avoid being tasered?

24 A Well, I think -- my opinion is, I think a person  
25 has the option to do that before it's even deployed; but if

1 it gets to that point and -- I've been in situations where a  
2 taser has been deployed and the officer just didn't tell --  
3 say, "Taser-taser," and they have been deployed before. So,  
4 I mean, it's that officer's judgment.

5 Q As to whether or not to go ahead and do the taser?

6 A Yes, sir.

7 Q Well, let me ask you what is your procedure, and  
8 you can make reference to the two times you've used the  
9 taser gun? What is your procedure once you draw the taser  
10 gun?

11 A Well, in the situation I had, I could have used  
12 deadly force and used a less lethal force. He had a knife,  
13 and I took a chance by deploying a taser. The second time,  
14 we had to fight with him, and like I say it's -- officers  
15 can get injured in fights, and, you know, it's one of those  
16 things where, like I said, we didn't have a choice.

17 Q The protocol for tasering someone, that you  
18 learned at the Academy, does it give the officer discretion  
19 as to whether or not to go ahead, once they pull the taser  
20 gun, not to taser, or do they have to follow-through with  
21 the tasering?

22 A No, you don't have to, I mean; but if the  
23 situation -- it depends on the situation, I guess, and it's  
24 that officer's judgment at that point.

25 Q You know Mrs. Monts?

1           A     Yes.

2           Q     Before the tasing episode of --

3           A     Uh-huh (yes); yes, sir.

4           Q     -- on or about July 27, 2012, did you know her  
5 before that?

6           A     Yes, sir.

7           Q     Tell us how you first came to know her.

8           A     I had dealt with her a couple times. I went to a  
9 couple calls to her house, also her daughter as well. We  
10 had an incident where she was involved in a fight at Weeks  
11 Trailer Park, and they brought them down for a fight that  
12 occurred one day.

13          Q     That's Mrs. Monts?

14          A     Yes, sir; her and her daughter.

15          Q     Now, was that before the incident that involved  
16 the taser?

17          A     Yes, sir; yes, sir.

18          Q     Well, tell us a little about that incident with  
19 her and her daughter.

20          A     Well, they were in the middle of an area of Weeks  
21 Trailer Park and they were -- they got into it with someone  
22 else and went over there to fight them. They were doing  
23 push-ups before the fight and stretching and all kind of  
24 stuff and ended up getting into some kind of brawl, where  
25 they were arrested.

1 Q The ladies were doing push-ups and stretching?

2 A Mrs. Monts was, yeah.

3 Q Did she say what she was going to do?

4 A I don't know. They were just arrested for  
5 fighting, yes, sir.

6 Q So, she was actually arrested during that  
7 incident?

8 A Uh-huh (yes); for disorderly conduct.

9 Q Did you have to use force on her at that time?

10 A No, sir. I was actually -- we were doing the  
11 shift change and they brought them in, and we did the  
12 processing.

13 Q You were just processing her?

14 A Yes, sir. I was present when they came in and I  
15 didn't actually do the processing, but I was present, from  
16 the incident. I do have knowledge of that incident and  
17 there have been a couple other ones, but --

18 Q Well, you were not involved in the arrest of  
19 Mrs. Monts --

20 A No, sir; no, sir.

21 Q -- at that time?

22 A No.

23 Q There's been another incident, I think you said,  
24 involving Mrs. Monts --

25 A Uh-huh (yes).

1 Q -- with the Americus P.D.?

2 A Uh-huh (yes). I've been over to her house before.  
3 I think her son's phone got stolen, and I had dealt with her  
4 daughter before, too, as well.

5 Q You say her son's phone got stolen?

6 A Uh-huh (yes).

7 Q Was Mrs. Monts the suspect --

8 A No; no; no.

9 Q -- or was she just there?

10 A She was just present.

11 Q So, you were not there because of anything she had  
12 done?

13 A No, sir.

14 Q That's the second time you had seen her --

15 A Uh-huh (yes).

16 Q -- is that correct?

17 A No; I know I've been over there a couple times. I  
18 just don't remember the calls.

19 Q Well, you've told us about two times --

20 A Uh-huh (yes).

21 Q -- that you've seen Mrs. Monts or --

22 A That I can recall, yes, sir --

23 Q Yes, sir.

24 A -- but it's more than that. You know, I just  
25 can't recall the number of times.



1           Q     So, those are the only two times you can recall  
2     seeing her around Americus, other than around July the 27th  
3     of 2012?

4           A     No, sir. I've seen her other times, dealt with  
5     her other times; I just don't recall the incidents.

6           Q     Okay; all right. Did the other occasions that you  
7     dealt with Mrs. Monts involve having to arrest her?

8           A     No; just talking to her and kind of talking her  
9     down before.

10          Q     Okay. Well, why don't you tell us about her  
11     demeanor when you have had occasion to be around her, for  
12     whatever reason.

13          A     Usually intoxicated in each time I've dealt with  
14     her; but, you know, you just have to kind of talk to her a  
15     little bit and deal with her. Basically, I've been patient  
16     with her.

17          Q     How does she act or how did she act on the  
18     occasions that you've came into contact with her?

19          A     I mean, a couple times, fine, and a couple of  
20     times -- and then once or twice maybe kind of belligerent,  
21     but --

22          Q     Has she been intoxicated every time that you've  
23     had contact with her?

24          A     Pretty much, yes.

25          Q     What would the protocol on tasering someone state

1 about intoxication?

2 A I don't think there's anything about that.

3 Q Is there any prohibition against tasering someone  
4 that is intoxicated?

5 A No.

6 Q Is there any risk in the tasering effect being  
7 more severe of someone that's intoxicated, based upon what  
8 you have learned?

9 A No.

10 Q Tell us about July the 27th, 2012, the incident  
11 that is the basis of the lawsuit.

12 A Okay. Officer Ambos called for assistance. He  
13 didn't say what the problem was. He just had called for  
14 assistance, and I pulled up. When I got there -- I sped up  
15 to get to him, because it just sounded like there was  
16 something going on. And when I got --

17 Q Okay. Now, let me stop you.

18 A Yes, sir.

19 Q Why don't you tell us what time of day or night it  
20 was and where the location was.

21 A Okay. One o'clock on McGarrah Street.

22 Q p.m. or a.m.

23 A 1:00 a.m., yes, sir.

24 Q In the middle of the night?

25 A Yes; 1:00 in the morning.



1 Q It was dark?

2 A Yes, sir.

3 Q All right. Well, you got the call from Officer  
4 Ambos?

5 A Uh-huh (yes).

6 Q Yes or no?

7 A Yes, sir.

8 Q And you responded as back-up; is that correct?

9 A Yes.

10 Q Well, tell us what you observed.

11 A Well, when I got there, I asked him what was going  
12 on, and he said he was on a traffic stop. He had to stop  
13 the traffic -- he had to stop dealing with the traffic stop  
14 he was on because there was a commotion. Mrs. Monts and her  
15 husband were walking down the street and caused some type of  
16 commotion. When I got there, she was still being loud and  
17 belligerent. I tried talking to her and calming her down.  
18 I was able to kind of get her calmed down, and I went back  
19 to my patrol car. We were getting ready to leave. She said  
20 something and continued being loud and walking towards a  
21 residential area, and that's what made me make contact with  
22 her again.

23 Q So, as I understand it, after you responded to  
24 Officer Ambos's call for assistance --

25 A Uh-huh (yes).

1           Q     -- you arrived there, and he was present already  
2     with Mrs. Monts and her husband?

3           A     Uh-huh (yes).

4           Q     Yes or no?

5           A     Yes, sir.

6           Q     Was anybody else around?

7           A     There was a vehicle that was stopped with Officer  
8     Ambos, but they ended up driving off.

9           Q     Was there anybody else, other than the occupants  
10    of that vehicle that drove off?

11          A     No.

12          Q     Was this in a residential area?

13          A     Yes, sir.

14          Q     Anybody in the nearby houses come out and look at  
15    the commotion?

16          A     No, sir.

17          Q     You didn't observe anybody come out?

18          A     I didn't -- if they did, I didn't see them.

19          Q     Okay. Now, when there's more than one officer on  
20    the scene, who's in charge, if you're both of equal rank?

21          A     Either officer can take control of a call at any  
22    point.

23          Q     What was Officer Ambos's rank at that particular  
24    time?

25          A     Patrolman.

1 Q The same as you?

2 A Yes, sir.

3 Q And he got there first?

4 A Yes, sir.

5 Q And you backed him up?

6 A Uh-huh (yes).

7 Q Yes?

8 A Yes, sir.

9 Q The term "primary officer on the scene," does that  
10 ring a bell? Am I using correct terminology?

11 A Yes, sir; but I don't agree with that always,  
12 because if some officer -- one officer is not able to do  
13 something, another officer may have to step in and do it at  
14 some point.

15 Q Well, give me an example when that would happen.

16 A Okay. Well, this situation, we were dealing with  
17 a domestic, and I was talking to Mr. Monts. Officer Ambos  
18 was trying to talk to Mrs. Monts, but he was having a  
19 problem doing so, at which point I stepped in and started  
20 talking to her.

21 Q Did you observe Mr. Monts and Mrs. Monts in any  
22 kind of physical altercation?

23 A Well, he had them separated when I got there, but  
24 she was still being loud. I talked to Mr. Monts, and I  
25 can't remember what he told me what they were arguing about.

1           Q     Did you ever observe them actually physically  
2     fighting each other, Mr. and Mrs. Monts?

3           A     Not when I got there. They were in a verbal  
4     altercation is what -- Officer Ambos said it was that bad,  
5     to where he needed assistance.

6           Q     Well, you've had experience with Mrs. Monts  
7     before --

8           A     Uh-huh (yes).

9           Q     -- according to your testimony?

10          A     Yes, sir.

11          Q     And you have stated that she gets loud --

12          A     Uh-huh (yes).

13          Q     -- from time to time?

14          A     Uh-huh (yes); and intoxicated.

15          Q     And intoxicated?

16          A     And she was that night as well.

17          Q     Did you smell alcohol on her?

18          A     Yes, sir.

19          Q     Did you smell alcohol on Mr. Monts?

20          A     Yes, sir.

21          Q     And so you initially approached Mr. Monts when you  
22     got on the scene?

23          A     Well, separated them, because Officer Ambos was  
24     talking to Mrs. Monts, so I separated him, Mr. Monts, from  
25     her and started talking to him, "Hey, come over here and

1 talk to me for a second," which is what you do in a  
2 domestic. You try to separate the people and kind of figure  
3 out what's going on.

4 Q How close to Mrs. Monts was Mr. Monts when you  
5 arrived on the scene?

6 A They were a good distance away when -- well,  
7 actually, they were right beside Officer Ambos when I first  
8 got there. He was in front of them, and I brought him back  
9 to where I was, and we stepped away a good distance.

10 Q Now, Officer Ambos had his patrol car there?

11 A Yes, sir.

12 Q And did you pull in front or behind his car?

13 A Behind him.

14 Q So, the lead car was Officer Ambos's vehicle?

15 A Yes, sir.

16 Q Yours was the one behind it?

17 A Yes, sir.

18 Q And did you have video cameras in your car?

19 A Yes, sir; but I didn't turn on my blue lights.  
20 So, if you don't turn on your blue lights, your body mic is  
21 not going to come on.

22 Q Did you have any kind of video operating at the  
23 time that you got out of the car involving this incident?

24 A I think I may have. I might have turned my blue  
25 lights on. I don't remember.

1           Q     Are you saying that you would have had to turn  
2     your blue lights on in order to activate the cameras on the  
3     vehicle?

4           A     Unless I tap my button, and I think -- and if I'm  
5     not mistaken, I had problems with my body mic before,  
6     because I got it sent off and never had got it back.

7           Q     Do you know whether or not your cameras on your  
8     patrol car were on at any time that night during this  
9     incident?

10          A     I believe they were, but I wouldn't have had audio  
11     because my body mic, there was a problem with it.

12          Q     So, you arrived on the scene, and then proceeded  
13     to separate Mr. Monts from Mrs. Monts --

14          A     Uh-huh (yes).

15          Q     -- correct?

16          A     Yes, sir.

17          Q     And you talked to Mr. Monts?

18          A     Uh-huh (yes).

19          Q     Yes or no?

20          A     Yes, sir.

21          Q     And Officer Ambos talked to Mrs. Monts?

22          A     Yes, sir.

23          Q     Now, I'm going to ask you again, at that point in  
24     time, who was the primary officer at the scene, you or  
25     Officer Ambos?



1           A     Officer Ambos.

2           Q     And by the term primary officer, what do I mean?  
3     What is the meaning of that term?

4           A     The first officer on the scene.

5           Q     Does that officer have any more authority over the  
6     situation than the other arriving officers?

7           A     No.

8           Q     Would you have had equal authority to take  
9     whatever action you deemed necessary, just like Officer  
10    Ambos would have?

11          A     Yes.

12          Q     You'd have had the same equal authority that he  
13    had at that scene?

14          A     Yes, sir.

15          Q     Tell me what you talked to Mr. Monts about.

16          A     I don't remember, just general of what was going  
17    on, but I don't remember what he told me.

18          Q     How was his demeanor towards you?

19          A     He calmed down after I talked to him for a little  
20    bit, and I tried to explain to them that it would be best  
21    for them to go home due to the time of the morning.

22          Q     And his response?

23          A     He seemed like he was okay with that. And Officer  
24    Ambos was still dealing with Mrs. Monts, so I stepped away  
25    from him and went over to her and tried talking to her, to



1 calm her down.

2 Q You left Mr. Monts standing by himself?

3 A Yeah.

4 Q And about how far from Mrs. Monts and you and  
5 Officer Ambos was he at that time?

6 A I don't remember the amount of feet; but, I mean,  
7 he was a good distance away.

8 Q Ten or 15 feet?

9 A I don't remember. I don't think it was maybe -- I  
10 guess 20 feet maybe. I don't know. I don't remember.

11 Q Did anybody else come up at this point in time,  
12 neighbors or gawkers, other law enforcement?

13 A No.

14 Q Any cars pass during this part of the incident?

15 A I remember the vehicle that Officer Ambos stopped,  
16 they drove back by, but they went on again. I think they  
17 were just seeing what was going on.

18 Q They didn't stop?

19 A No; they just kind of creeped on by and drove off.

20 Q Did you recognize them?

21 A I recognized that vehicle.

22 Q And do you know to whom it belonged?

23 A No.

24 Q Did you get the tag number?

25 A No.

1           Q     Did they, the occupants of that vehicle, say  
2 anything the second time they came by?

3           A     No.

4           Q     How many people were in that car?

5           A     I don't remember.

6           Q     Well, you and Officer Ambos are talking to  
7 Mrs. Monts, and Mr. Monts is standing some 20 feet away or  
8 approximately 20 feet away at that time by himself; is that  
9 correct?

10          A     Yes, sir.

11          Q     Tell us what happened.

12          A     I'm not sure how we told them that they could  
13 leave. I think we told them that they could leave; but just  
14 as they were leaving, she was still -- Mrs. Monts was still  
15 continuing to be loud. Mr. Monts was calm. She was being  
16 loud, and that's when -- you know, I had my windows down,  
17 and she said something. And she kept walking off, being  
18 loud. And I exited my patrol car and asked her to step over  
19 and talk to me, you know, and I was going to try to talk to  
20 her and tell her just calm down, you know, "You're going  
21 into a residential area."

22          Q     Okay. Let me stop you there and ask you this.

23          A     Okay.

24          Q     So, as I understand it, Mr. and Mrs. Monts seemed  
25 to be willing to comply with your suggestion that they go on

1 home --

2 A Uh-huh (yes).

3 Q -- correct?

4 A Yes.

5 Q And at that point in time, they were free to go.

6 Am I correct on that as well?

7 A Yes, sir.

8 Q And you proceeded to go to your patrol car, and  
9 you actually got inside your patrol car. Am I right on  
10 that?

11 A Yes, sir.

12 Q And Officer Ambos, what did he do at that point in  
13 time?

14 A I'm not sure what he did; but my windows were  
15 down, and I could hear her continuing to be very loud.

16 Q Yes, sir. Now, Officer Ambos's vehicle, patrol  
17 car, was in front of yours --

18 A Yes, sir.

19 Q -- am I correct?

20 A Yes, sir.

21 Q So, you would have been facing towards his  
22 vehicle?

23 A Yes, sir.

24 Q Did you see Officer Ambos anywhere in your field  
25 of vision after you got inside your patrol car?

1           A     I didn't see what he was doing inside his patrol  
2     car. I didn't see him put it in drive or anything like  
3     that.

4           Q     But was he inside his patrol car at that point in  
5     time?

6           A     I think he was either getting in it or was in it.  
7     I don't remember.

8           Q     And your windows were down in your patrol car?

9           A     Yes, sir.

10          Q     And as Mr. and Mrs. Monts went on down the  
11     highway, were they on the passenger's side of your patrol  
12     car --

13          A     Yes, sir.

14          Q     -- headed toward the rear of your patrol car?

15          A     Yes, sir.

16          Q     And you were looking in the opposite direction,  
17     toward Officer Ambos's patrol car at that time; is that  
18     correct?

19          A     Yes, sir; until I started hearing the commotion,  
20     and that caught my attention the second time. She had  
21     actually said something, but I ignored that. I ignored it,  
22     but she started being loud, and that's what made me get out  
23     of my car.

24          Q     Well, she never stuck her head in your car and  
25     said anything to you, did she?

1           A     No. She said something to me as I was getting  
2     into my patrol vehicle, I think. I don't remember, though.

3           Q     Yes, sir. But she never touched your patrol  
4     car --

5           A     No.

6           Q     -- did she?

7           A     No.

8           Q     And so she proceeded on toward the direction of  
9     the opposite way in which your patrol car was facing?

10          A     Yes, sir; and she was being very loud.

11          Q     Very loud?

12          A     Yes, sir.

13          Q     Do you recall what she said?

14          A     I can't remember. I do recall she did tell me to  
15     leave her alone and go fuck with some white folks.

16          Q     And is that the point at which you got out of your  
17     patrol car?

18          A     I ignored what she said. She started being loud  
19     and continuing to be loud, and that's what made me step out  
20     of my patrol car.

21          Q     But is it not true that she continued walking away  
22     during the entire time?

23          A     Into a residential area, yes, sir.

24          Q     Yes, sir. How far was the closest house?

25          A     There's actually a corner house right there, and

1     there's several other houses, and there's actually a trailer  
2     also that someone lives in and some apartments right there,  
3     which there's five, so the closest house was in very close  
4     proximity.

5           Q     How far?

6           A     Maybe 20 feet, 30 feet.

7           Q     Now, at any time did you see the occupants of any  
8     of the houses or that trailer come out on the front porch or  
9     in the yard or outside of the house or trailer at any time?

10          A     No, I don't know if they did or didn't.

11          Q     No. I'm asking did you see them?

12          A     No, I didn't see anyone.

13          Q     So, Mrs. Monts and her husband are walking away?

14          A     Uh-huh (yes).

15          Q     And she continues to be loud?

16          A     Yes, sir.

17          Q     And after saying what you've just said about you  
18     leaving her alone and going and bothering white folks --

19          A     Uh-huh (yes).

20          Q     -- she continued walking away; is that correct?

21          A     No -- yes, sir.

22          Q     And you were still in your patrol car at that  
23     point in time?

24          A     Yes, sir.

25          Q     Well, now, what is it that was said or done that



1     caused you to get out the second time?

2           A     Just the continuously being loud. She's still  
3     breaching the peace, and the thing is we already had one  
4     situation; we didn't need another one while we were still  
5     present.

6           Q     Well, what was different about her walking away  
7     than when you first got there?

8           A     Well, she was still being loud.

9           Q     She was loud when you got there, I assume.

10          A     Yeah. And we did calm her down, but she started  
11     back up, and like I say, it continued. And sometimes, to  
12     avoid the problem -- you don't want to continue to have to  
13     keep dealing with the same problem. That's what we were  
14     trying to avoid. That's what I was trying to avoid.

15          Q     But you didn't see anyone come out of the  
16     dwellings in the immediate vicinity and look to see what was  
17     going on, did you?

18          A     Well, I didn't -- I don't -- no, sir, I didn't see  
19     anyone.

20          Q     But you didn't see anyone, did you?

21          A     No.

22          Q     And at that point in time, there was no other  
23     traffic coming down the road --

24          A     Well --

25          Q     -- was there?

1           A     -- no, but I think that's kind of irrelevant,  
2     because still, just because people aren't outside doesn't  
3     mean they're not being disturbed. It might wake somebody  
4     up. There is a potential for that problem, and I just  
5     prevented it before it happened.

6           Q     But she was just as loud when you got there as she  
7     was when you --

8           A     No, sir; she calmed down.

9           Q     -- got out of your patrol car?

10          A     She did calm down, and she started back up.

11          Q     I understand that. But when you initially got  
12     there, she was loud, wasn't she?

13          A     Yes, sir.

14          Q     She was just as loud when you initially got there  
15     as she was when you got out of the patrol car the second  
16     time. Isn't that true?

17          A     Well, she started back up, yes, sir.

18          Q     I understand. But when she started back up, she  
19     was loud?

20          A     Yes, sir.

21          Q     When you first got there, she was loud?

22          A     Yes; but we calmed her down.

23          Q     You calmed her down?

24          A     Uh-huh (yes).

25          Q     So, did she tell you where she had been up until

1 the point where you and Officer Ambos came upon them?

2 A I recall something about \$5 being taken from her.  
3 I don't know. It was something, I guess, involving a family  
4 member. Her daughter did show up at the emergency room and  
5 had said that her mother assaulted her that same night, but  
6 that was after, you know, we had dealt with her.

7 Q Well, did you get any information that would  
8 indicate to you or tell you where she had been before y'all  
9 found her?

10 A I don't know where they were coming from. I just  
11 know they were upset about \$5. I don't know where they  
12 exactly came from. That's what started this whole mess, I  
13 guess.

14 Q Now, the side of the road on which Mrs. Monts and  
15 Mr. Monts were walking, were there any houses on that side  
16 of the road in the immediate vicinity?

17 A No. Across the street, there are, and then when  
18 you come to that corner, there's houses right there.

19 Q On the same side or the other side of the street?

20 A On the other side, and then on Mitchell Street  
21 there's houses close to that proximity as well.

22 Q But the immediate area surrounding where you came  
23 upon Mrs. Monts, Mr. Monts, and Officer Ambos was  
24 essentially vacant lots; am I correct?

25 A No, sir; there's a business right there. But

1 directly across the street from the business, there's about  
2 five apartments right there.

3 Q What's the name of the business?

4 A I couldn't tell you.

5 Q What's the name of the apartments?

6 A Park -- what is it, Parkview Place Apartments.

7 Q Were there any lights on in the business?

8 A That business is closed, so I don't think there  
9 are.

10 Q Any lights on over at the apartment complex, that  
11 you noticed?

12 A I wasn't paying attention to that, sir.

13 Q So, the truth of the matter is, there's no  
14 evidence that you could see of anybody, whether it be at the  
15 apartments or the surrounding houses or that trailer, but of  
16 anybody being disturbed?

17 A Well, you still --

18 MR. McWILLIAMS: Object to the form of the  
19 question.

20 MR. LEDFORD: Okay. Let me rephrase that.

21 Q (By Mr. Ledford) Did you see any evidence that  
22 anyone in the immediate vicinity was disturbed by  
23 Mrs. Monts' loud tone?

24 A Well, I wasn't --

25 Q Yes or no, and then you may explain.

1           A     Okay.  No.

2           Q     You may explain.

3           A     But Officer Ambos felt that there was some sort of  
4     problem that he had to step in and get involved in the  
5     situation that they created.

6           Q     That was the initial reason --

7           A     Yes, sir.

8           Q     -- for him getting involved?

9           A     Yes, sir.  And we don't -- just because other  
10    people aren't out, you look at the time of the morning, you  
11    look at the potential for the problem, and there was a  
12    potential for that problem to continue, based on their  
13    demeanor, based on their intoxication.  So, there was still  
14    a potential for that problem to continue.

15          Q     Well, the truth of the matter is--you've already  
16    answered it--you didn't see any evidence during this  
17    incident of anybody being disturbed?

18          A     Well, yes, sir.

19          Q     Who?

20          A     Officer Ambos.

21          Q     Other than you and Officer Ambos, other than  
22    Mrs. Monts and Mr. Monts, there was no evidence of anybody  
23    else being disturbed in that immediate vicinity, was there?

24          A     Well, sir, I didn't -- I wasn't paying attention  
25    to the houses around.  My concern is not the surrounding;



1 it's what's going on at that time.

2 Q Well, you've talked about the surrounding, though,  
3 so let's -- you can't have it both ways here. Let's get to  
4 the surrounding --

5 A Okay.

6 Q -- and you'll need to answer yes or no --

7 A Okay.

8 Q -- and then you may explain.

9 A Okay.

10 Q The truth of the matter is, other than you and  
11 Officer Ambos --

12 A Uh-huh (yes).

13 Q -- other than Mrs. Monts and Mr. Monts, you didn't  
14 see any evidence of anybody else in the vicinity that was  
15 disturbed by this incident, did you?

16 A Well, sir, I can't speak on what those people --  
17 you know what I'm saying?

18 Q I'm asking what you saw and observed; yes or no?

19 A I was -- no.

20 MR. McWILLIAMS: I object to the form of the  
21 question. It's asked and answered three times.

22 Q (By Mr. Ledford) Now, tell us what happened after  
23 you got out of your patrol car.

24 A Which time?

25 Q The second time.



1           A     The second time. I asked her to come over to me  
2     and was telling her, "Look, I need to talk to you. You need  
3     to calm down because you're being loud," and she decided to  
4     run off.

5           Q     Now, was it your intention to arrest her when you  
6     got out of the patrol car --

7           A     No.

8           Q     -- the second time?

9           A     No, not at all.

10          Q     You approached her, and she ran off?

11          A     Yeah.

12          Q     And what did Mr. Monts do?

13          A     Mr. Monts? I don't remember what he did exactly,  
14     because my focus was on her at that point; but at that point  
15     when she ran off, she was going to be placed under arrest,  
16     because we were done dealing with the situation.

17          Q     How did you or Officer Ambos release Mr. and  
18     Mrs. Monts as they began to walk off? Was it you or Officer  
19     Ambos?

20          A     I don't remember what point they were released. I  
21     don't remember.

22          Q     How was that done? Was it verbally, such as,  
23     "You're free to go; go on home," or how was it done?

24          A     I don't remember.

25          Q     But the truth of the matter was, they were free to

1 go at some point in time --

2 A But they --

3 Q -- before you got out of the patrol car --

4 A Yes, sir.

5 Q -- the second time?

6 A When the -- the second time when I got out, at  
7 that point, that was -- it was -- you know, the freedom was  
8 over with, because it was the point where we needed to talk  
9 to her again. So, we had a right, at that point, to talk to  
10 her again, because of her behavior and the breach of the  
11 peace.

12 Q Well, you say she ran?

13 A Uh-huh (yes).

14 Q Yes or no?

15 A Yes.

16 Q Which way did she run?

17 A She ran down the street, towards Mitchell Street,  
18 into the residential area.

19 Q Would that be away from the rear --

20 A Away from the patrol car, yes, sir.

21 Q From the rear of your patrol car?

22 A Yes.

23 Q And where was Officer Ambos at this point in time?

24 A I don't remember if he got out of his car, but he  
25 came down there when he realized there was a disturbance

1 going on.

2 Q When's the first time you noticed him reappear?

3 A When I told her she was under arrest.

4 Q And where was she at that point?

5 A She was standing directly in front of me, because  
6 I had to run her down and run in front of her and stop her.

7 Q So, you had already chased her down --

8 A Uh-huh (yes).

9 Q -- at this point in time?

10 A Yes.

11 Q And how far away are you from Mr. Monts at that  
12 point?

13 A He was right there.

14 Q Was he running with y'all?

15 A No.

16 Q Well, as she walked away, he and she were  
17 together --

18 A Yeah.

19 Q -- am I correct?

20 A Yeah.

21 Q And they were in close proximity to your patrol  
22 car; is that correct?

23 A Uh-huh (yes).

24 Q Yes or no?

25 A Yes.

1           Q     And they were more to the rear of your patrol car;  
2     is that also correct?

3           A     Yes.

4           Q     Both you and Officer Ambos were in your respective  
5     patrol cars at that point?

6           A     Yes.

7           Q     And you got out --

8           A     I think I was getting in. I don't really remember  
9     if I was -- I know my windows were down. I guess I was  
10    getting in. I don't remember.

11          Q     Well, anyway, you then re-emerged or left your  
12    patrol car and told Mrs. Monts to come to you --

13          A     Yes.

14          Q     -- is that what you're saying?

15          A     Yes.

16          Q     And then you said she ran?

17          A     Uh-huh (yes).

18          Q     Yes or no?

19          A     Yes.

20          Q     Are you sure?

21          A     Yes.

22          Q     And how far did she run?

23          A     Not very far.

24          Q     Give me an estimate.

25          A     Maybe 20 yards, not even 20 yards; maybe 15 yards,

1 I guess, 10 yards.

2 Q Ten or 15 yards?

3 A Yeah.

4 Q That would be 30 or 45 feet?

5 A Yeah.

6 Q And that would be from your patrol car?

7 A Yes.

8 Q You chased her that far?

9 A Yes.

10 Q And when you caught her, Mr. Monts was right

11 beside you?

12 A I don't know if walked -- I believe he walked up.

13 I can't remember. I don't know.

14 Q And then in relation to all of this, when did you

15 next see Officer Ambos?

16 A When I told her she was under arrest.

17 Q And how far was that -- well, let me rephrase it.

18 Was that approximately 10 to 15 yards from your patrol car?

19 A A little further, I believe.

20 Q That's where you caught her after she ran?

21 A Uh-huh (yes).

22 Q Yes or no?

23 A Yes.

24 Q So, it's you and her, and Mr. Monts comes up and

25 then Officer Ambos comes up. Is that the sequence of

1 events?

2 A I don't remember, but -- I don't remember.

3 Q Well, anyway, at some point in time, the four of  
4 y'all were back again together. Is that true?

5 A Yes.

6 Q Well, tell us what happened.

7 A I told her she was under arrest, and I remember  
8 her violently snatching away from me, at which point when I  
9 tried to grab her, we lost our balance. She fell. I  
10 stumbled back, because we were on a hill, and that's when I  
11 tried to actually effect the arrest. Mr. Monts kept trying  
12 to intervene, and I remember Officer Ambos taking his taser  
13 out; and if I'm not mistaken, he pointed it at Mr. Monts and  
14 told him to get back. And I continued to try to place her  
15 under arrest, and she was physically and actively resisting.  
16 I heard Officer Ambos say, "Taser," at which point I backed  
17 away, and he deployed his taser.

18 Q And when an officer says, "Taser," that means they  
19 are contemplating or they're fixing to shoot --

20 A Yes, sir.

21 Q -- the taser gun?

22 A From my experience, if you say, "Taser," I'm --  
23 and I see it pointed in that direction, I'm getting out of  
24 the way.

25 Q Well, up until the point when you got out of your



1 patrol car the second time or left it the second time,  
2 Mrs. Monts and her husband, Mr. Monts, were free to leave.  
3 Is that true?

4 A Yes, sir; until you heard the commotion from her.  
5 That's when I had to get back out. I had to get my --  
6 intervene again and talk to her again.

7 Q Let me ask you this. Did you at any time ever  
8 pull your taser gun?

9 A No.

10 Q Did you at any time ever pull your service  
11 revolver or your weapon?

12 A No.

13 Q Was a gun ever pulled on Mr. Monts?

14 A No.

15 Q Was he ever tasered?

16 A No.

17 Q Did he comply with your or Officer Ambos's request  
18 to back up?

19 A No; because he kept trying to get involved.

20 Q Why didn't you taser him, or why didn't -- why  
21 wasn't he arrested?

22 A I was dealing with her, and Officer Ambos was  
23 trying to deal with the situation as well. I guess he felt  
24 that the more immediate threat was her being on the ground,  
25 resisting arrest, with me on the ground as well.

1 Q Who was she a threat to?

2 A Myself.

3 Q She had already been tasered; is that correct?

4 A No, sir.

5 Q So --

6 A That's what led up to the taser being deployed;  
7 because when I was trying to handcuff her, instead of her  
8 placing her hands behind her back, she was on the ground,  
9 tussling and rolling around on the ground, refusing to put  
10 her hands behind her back.

11 Q Okay. Give me the sequence of events after you  
12 place her under arrest. Tell me what happened.

13 A I told her she was under arrest. And when I went  
14 to get her arm and pulled my handcuffs out, she snatched  
15 away, at which point when I grabbed her arm, I just remember  
16 at some point we both -- if not one, both of us lost our  
17 balance. She fell down, at which time I tried to handcuff  
18 her, and she actively began resisting arrest. I did tell  
19 her several times to put her hands behind her back, and I  
20 recall Officer Ambos pulling his taser out when Mr. Monts  
21 kept trying to get involved. The taser was deployed. And  
22 when he said, "Taser," I backed away from her.

23 Q As you sit here today, tell us how tall you are.

24 A Five-eight.

25 Q And what is your weight today?

1 A Two, fifty-five.

2 Q And on this day in question, I believe it was,  
3 what, July the 27th of 2012 --

4 A Uh-huh (yes).

5 Q -- when Mrs. Monts was arrested?

6 A Uh-huh (yes).

7 Q Is that the date?

8 A Yes, sir.

9 Q What was your weight at that point in time?

10 A About the same, maybe a little bit more.

11 Q And approximately 260 or better --

12 A Yes, sir.

13 Q -- 260 pounds or better?

14 A Yes.

15 Q Now, as you look at Mrs. Monts, she doesn't appear  
16 to be a very stout lady, does she?

17 A Looks can be deceiving.

18 Q Yes, sir; but I'm talking about her physical  
19 makeup. Her build is more of, would you say, a slight or --  
20 a slight to medium build for a woman?

21 A Yes.

22 Q She never injured you in this incident, did she?

23 MR. McWILLIAMS: Object to the form of the  
24 question.

25 Q (By Mr. Ledford) Well, I'm going to ask you, did

1 she ever injure you in this -- during this altercation  
2 between you and her?

3 A No, sir; but it was some physical exhaustion, as  
4 far as the length of time that this went on. When a person  
5 is resisting, I think you're putting out -- it takes more --  
6 it's harder to restrain a person resisting, a man or a  
7 woman.

8 Q Well, you would acknowledge that at some point in  
9 time, you would have been on top of Mrs. Monts during your  
10 attempt to handcuff her; am I correct?

11 A Yes, sir.

12 Q And you would have been attempting to handcuff her  
13 with her hands behind her back. Is that also true?

14 A Attempting to, but she had her hands underneath  
15 her and I couldn't get them.

16 Q Well, when she had her hands and you have said  
17 underneath her --

18 A Uh-huh (yes).

19 Q -- you've indicated to the front of her body?

20 A Yes, sir; underneath her, yes, sir.

21 Q Also, she had her hands under her -- under the  
22 opposite arms. Is that where she was?

23 A I don't remember if they were like that. I  
24 remember -- I know they were underneath her, but I know I  
25 couldn't get them out. I had a difficult time trying to get

1     them.

2           Q     Was she on the ground, face down, at this time?

3           A     Yes, sir; and actively resisting. I felt her  
4     tensing her body up as well to prevent me handcuffing her.

5           Q     So, you were trying to pull her arms from  
6     underneath her --

7           A     Yes, sir.

8           Q     -- and get them to the back of her --

9           A     Yes, sir.

10          Q     -- where you could place the handcuffs on her?

11          A     Yes, sir.

12          Q     And you were on top of her back or to the back  
13     side of her; am I correct?

14          A     I believe I was on the side of her actually. I  
15     don't believe I was on top of her.

16          Q     Was there any point in time when you actually, for  
17     whatever reason, was on top of her with her face down?

18          A     I don't remember.

19          Q     It's possible?

20          A     It is, yeah.

21          Q     She was tasered once?

22          A     Yes, sir.

23          Q     And what happened then?

24          A     I tried to get her hands behind her. She  
25     continued resisting and still rolling around on the



1 pavement. And Mr. Monts was still trying to get involved,  
2 and we're still telling him to get back, at which point a  
3 second deploy -- the second time the taser was deployed,  
4 which gave a second burst and it was a 5-second cycle, she  
5 still continued to resist. The third time -- he didn't  
6 taser her a third time. After the second time, I told him  
7 to just stop, and I had to actually put more force and  
8 actually handcuff her. I had to just grab her hands, and I  
9 recall grabbing them and able to get her handcuffed after we  
10 struggled.

11 Q She was still struggling --

12 A Yes, sir.

13 Q -- after the second taser?

14 A Yes, sir.

15 Q Just as strongly as she had initially been  
16 struggling?

17 A Yes, sir.

18 Q She didn't get any weaker, did she?

19 A No.

20 Q But you were able to taser her after she -- I  
21 mean, to handcuff her after she had been tasered the second  
22 time; is that correct?

23 A Yes, sir. It took -- she still struggled, and it  
24 took a few, but I told him just, "I've got it," you know.  
25 So, I had to --



1 Q Did you make a report on this?

2 A Yes.

3 Q And were you interviewed by Internal Affairs?

4 A Yes.

5 Q And let me ask you this. The truth of the matter  
6 is that you have admitted that you placed her under arrest  
7 just because she was mouthing off?

8 MR. McWILLIAMS: Object to the form of the  
9 question.

10 Q (By Mr. Ledford) Did you place her under arrest  
11 because she was mouthing off?

12 A No; I placed her under arrest because she broke  
13 the law.

14 Q How?

15 A Disorderly conduct. It's a breach of the peace.  
16 And the first time she actually did it, we told her to go.  
17 The second time I tried to talk to her, and like I say it  
18 caused a bigger problem, so she was placed under arrest for  
19 it.

20 Q But she wasn't any louder the second time than she  
21 was the first, was she?

22 A But that's a discretion at that point.

23 Q No; answer --

24 A I tried to give her an opportunity --

25 Q -- answer the question and you may explain. Yes

1 or no?

2 A Yes. It was probably the same.

3 Q About the same?

4 A Yeah.

5 Q She was mouthing off about the same, about the  
6 same loudness --

7 A Uh-huh (yes).

8 Q -- when she was placed under arrest, as she was  
9 when she was let go. That's true, isn't it?

10 A Yes, sir; but we calmed the -- the thing is, the  
11 first time, we calmed the situation down. The second time,  
12 she started back up.

13 Q Have you ever told anyone that you placed her  
14 under arrest just because she was mouthing off?

15 A I don't remember telling anybody that.

16 Q Are you saying that you did not, or are you just  
17 saying you don't remember?

18 A I don't remember telling anyone that. Could you  
19 tell me who I told that?

20 Q I'll ask the questions.

21 A Okay.

22 Q The truth of the matter is, you have made the  
23 statement during your interview or various interviews that  
24 you probably could or should have let her go, walk away.

25 MR. McWILLIAMS: Is there a question?

1 Q (By Mr. Ledford) Have you, during any subsequent  
2 interview with anyone said words to the effect that you  
3 probably should have let her just walk away?

4 A I don't remember.

5 Q You're not denying that you said that, are you?

6 A I said I don't remember.

7 Q Yes, sir. You don't remember, but you're not  
8 denying it either, are you?

9 A I don't remember, that's what I'm saying. I don't  
10 remember saying anything of those effects.

11 Q Have you ever heard the terminology use of force?

12 A Yes.

13 Q When you deploy your service weapon, your sidearm,  
14 when you pull it out, you have to do a report of use of  
15 force, don't you?

16 A Uh-huh (yes).

17 Q I mean, that's protocol, isn't it?

18 A Yes.

19 Q If you'll answer yes or no for the court reporter,  
20 it would help us.

21 A Yes.

22 Q So, when you pull a taser, there is supposed to be  
23 a use of force report made; is that correct?

24 A Yes.

25 Q Now, I understand your testimony today is that

1 Officer Ambos pulled the taser.

2 A Yes, sir.

3 Q But is it not true that when you are involved in  
4 an incident where you observe another officer pull a gun or  
5 a taser or any other weapon, for whatever reason, that you,  
6 as well, have to file a use of force report?

7 A No, you don't.

8 Q You're saying that's discretionary?

9 A No, you don't have to. If I'm the person using  
10 force, then I'm the one that has to do the use of force  
11 report.

12 Q Have you ever pulled your gun or a taser on  
13 anyone?

14 A Yes.

15 Q Did you do a -- did you file a use of force  
16 report?

17 A Yes; but there have been times when we haven't as  
18 well.

19 Q There have been times when you haven't?

20 A Yes, sir.

21 Q Tell us about those times.

22 A If you're clearing a building out and checking the  
23 area, you pull your gun out, you don't do a use of force for  
24 that; which a lot of times when we go to burglaries or  
25 checking vacant houses, things like that, you're not going

1 to do a use of force on that.

2 Q Have there been times when you pulled your weapon  
3 and there were people around?

4 A Yes.

5 Q Did you file a use of force report at that time?

6 A Not every time, no.

7 Q Why not?

8 A Just because sometimes a supervisor may tell you  
9 you don't need to do a use of force on that, it's not  
10 necessary.

11 Q But you're taught to do that in Police Academy,  
12 are you not?

13 A Use of force is really when you actually -- when  
14 you use it, not when you pull it. That's when a use of  
15 force is.

16 Q You're saying there's a distinction between  
17 pulling a weapon of any kind and using it --

18 A Yes.

19 Q -- as far as having to do a use of force report?

20 A Yes, sir.

21 Q If you don't actually use your weapon, whether it  
22 be your pistol --

23 A Yes.

24 Q -- your firearm or a taser, if you don't actually  
25 use it, you don't have to file a use of force report. Is

1 that your testimony?

2 A No. There was a misunderstanding, and we were  
3 told you have to, which it's -- we've been told several  
4 different things. At one point it was you didn't have to;  
5 now you have to. Even if you pull your taser out of the  
6 holster, you have to. And at that time, we just had a  
7 misunderstanding, because some officers weren't aware that's  
8 what you had to do. Every time that you do it, you have to  
9 do a use of force report.

10 Q Even if you are not the one to pull it, but if you  
11 witness it?

12 A No, not for that; no.

13 Q Do you know if Officer Ambos filed a use of force  
14 report --

15 A Yes.

16 Q -- for this evening?

17 A He did.

18 Q Do you know the definition of disorderly conduct?

19 A Yes, sir.

20 Q What is it?

21 A It's acting in a violent or tumultuous manner,  
22 breach of the peace, also creating a disturbance or a breach  
23 of the peace.

24 Q And you would acknowledge that in order to create  
25 a disturbance of the peace, there's got to be someone to



1     disturb?

2           A     Yes -- no. Two people arguing is actually  
3     disorderly conduct and is a breach of the peace.

4           Q     Now, the argument that you say was going on  
5     between Mr. Monts and Mrs. Monts, tell us about it. What  
6     was said?

7           A     I don't know. I got there, and when I got there I  
8     was separating them. We were trying to diffuse the  
9     situation. I do know there was something about \$5. That's  
10    all I can remember, there was something about \$5 being taken  
11    from somebody.

12          Q     Mrs. Monts was not accusing Mr. Monts of taking  
13    the money, was she?

14          A     I think where they were at, they had a problem and  
15    left, but I don't remember the whole effects.

16          Q     The argument was not between Mr. and Mrs. Monts  
17    that evening, was it?

18          A     Well, I don't know who was arguing. When I got  
19    there, they were both being loud, so I was just trying to  
20    diffuse the situation.

21          Q     Did they appear to be concerned about someone  
22    having taken money from Mrs. Monts?

23          A     Well, I never did talk -- I never did get the  
24    specifics of actually what happened. We were just trying to  
25    get them out of the area and diffuse the situation.

1           Q     You never heard Mrs. Monts accuse Mr. Monts of  
2     taking the money, did you?

3           A     I don't remember. I don't think it was -- I don't  
4     think he was the one that took it. It was wherever they  
5     were at previously.

6           Q     Well, my question, though, is you never heard her  
7     accuse him of take the money -- taking the money, did you?

8           A     No.

9           Q     So, would it not have been your impression that  
10    the argument or the discussion, even though it was loud --

11          A     Uh-huh (yes).

12          Q     -- was not one of anger being directed toward each  
13    other?

14          A     Well, I think her behavior upset him and caused  
15    them to get into it. Like I said, they were both drunk, and  
16    they were both just being really loud, so --

17          Q     But you didn't see Mr. Monts do anything to  
18    physically harm or try to physically harm Mrs. Monts, did  
19    you?

20          A     I wasn't there before that, so I don't know.

21          Q     I'm asking you. You didn't see it at any time?

22          A     Not when I got there, no.

23          Q     And you didn't see Mrs. Monts at any time try to  
24    physically harm Mr. Monts, did you?

25          A     No.

1           Q     And during this whole time, other than you and  
2     Officer Ambos and Mr. and Mrs. Monts and that car that came  
3     by --

4           A     Uh-huh (yes).

5           Q     -- and it came by the second time, you never saw  
6     another person out there until after Mrs. Monts was  
7     arrested. That's true, isn't it?

8           A     Yes. But also -- never mind.

9           Q     So, is it your testimony that you never told  
10    Officer Monts -- I meant Officer Ambos to deploy his taser  
11    gun?

12          A     I know I heard the video and I did tell him, but  
13    that's his choice. That would be the same scenario if he  
14    was holding a gun and he had decided, it's his discretion to  
15    do it at that point. I'm not in any position to give  
16    orders. If an officer deems that they need to --

17          Q     So, then the truth of the matter is, you did tell  
18    him to use his taser, didn't you?

19          A     Yeah; but also that's still his choice. It would  
20    be the same with anything. If he took -- if he decided to  
21    take his firearm out and decided -- and did and shot  
22    someone, it would be the same scenario. He's responsible  
23    for his own actions. He said he was going to tase her. The  
24    only thing I said was, "Go ahead," if that's what he's going  
25    to have to do, just to prevent this altercation from going

1 further. And sometimes that's used as a tactic to gain  
2 compliance. If a person -- if you tell a person you're  
3 going to taser them, most of the time or a lot of times,  
4 that will gain compliance from a competent person, yes.

5 Q At that point in time when you said to Officer  
6 Ambos, "Go ahead," you stepped back?

7 A Yeah.

8 Q Mrs. Monts was on the ground?

9 A Uh-huh (yes). I stepped out of the way.

10 Q Mrs. Monts was on the ground at this time?

11 A We were both on the ground.

12 Q You stepped back when you heard --

13 A I got up off the ground, yes.

14 Q Let me ask the question. You say Officer Ambos  
15 said the word taser?

16 A Uh-huh (yes).

17 Q Yes or no?

18 A Yes.

19 Q Is that -- after that, did you say, "Go ahead;" or  
20 did you say, "Go ahead," before he said, "Taser"?

21 A I don't remember.

22 Q But at some point in time, you stepped back?

23 A Yeah; when he said, "Taser-taser."

24 Q That means you got up off the ground; is that  
25 correct?

1 A Yes.

2 Q And you stepped back?

3 A Yes.

4 Q Where was Mrs. Monts at that point?

5 A I don't remember. I got out of the way. When  
6 that taser went off, the first thing you do is get out of  
7 the way.

8 Q Where was she when you got up?

9 A On the ground.

10 Q You have no reason to believe that she stood up  
11 before she was tasered, do you?

12 A I don't think so.

13 Q The truth of the matter is, she was tasered while  
14 still on the ground. Isn't that true?

15 MR. McWILLIAMS: Object to the form of the  
16 question.

17 Q (By Mr. Ledford) She was tasered while still on  
18 the ground. That's true, isn't it?

19 A While she was resisting on the ground, yes, sir.

20 Q Well, you had already stepped back at that point  
21 in time?

22 A No. I got up to avoid being tasered, yes, but she  
23 was actively -- excuse me -- actively resisting, which made  
24 Officer Ambos deploy his taser. When he did that, I got out  
25 of the way.



1 Q Well, I've asked you and I'm going to ask you one  
2 more time, just to be clear --

3 A Okay.

4 Q -- but the truth of the matter is, when she was  
5 tasered by Officer Ambos, she was still on the ground by  
6 herself. That's true, isn't it?

7 A No, sir.

8 MR. McWILLIAMS: Object to the form of the  
9 question.

10 A No, sir.

11 Q (By Mr. Ledford) What's not true about it?

12 A I was getting up off the ground when he said,  
13 "Taser," okay. I knew what was going on. She didn't.

14 Q When the taser gun was used, it was deployed, were  
15 you on the ground or were you standing up?

16 A I got up as the taser was -- as Officer Ambos  
17 said, "Taser-taser," I got up off the ground, because I knew  
18 what was fixing to happen.

19 Q Leaving Mrs. Ambos (sic) on the ground by herself?

20 A Yes, sir.

21 Q Thank you.

22 MR. LEDFORD: Give me just a second.

23 MR. McWILLIAMS: Yes, sir.

24 Q (By Mr. Ledford) You were the one that handcuffed  
25 Mrs. Monts?



1           A     Yes.

2           Q     How many video cameras did you have on your car  
3     that night?

4           A     I've just got one in-car, one inside the car, and  
5     then one that is in the frontal view of the car.

6           Q     Okay. Where is the one --

7           A     And your taser also has a video on it.

8           Q     Yes, sir. But the -- you actually have two  
9     cameras in the car; am I correct?

10          A     Yeah; yes, sir.

11          Q     One is on your dash?

12          A     One is on the dash, and then the other one, I can  
13     just flip and it will be inside the car.

14          Q     Where is -- when you say you just flip it, it's  
15     inside the car?

16          A     Like all you've got -- when you're controlling the  
17     camera, it's got a second button, and I can turn that camera  
18     on inside the car and get a reverse angle. It would have  
19     myself, and if somebody was in the car you'd see them as  
20     well.

21          Q     Okay. Will it actually show anything out the  
22     rear-view window?

23          A     No. You wouldn't be able to see out of it.

24          Q     Just the back seat area?

25          A     Yes. The front seat mostly and --

1           Q     Would Officer Ambos's car have the same equipment,  
2     as pertains to cameras?

3           A     Yes.

4           MR. LEDFORD:   Y'all give me just a second and let  
5     me step out and confer with my client and see if  
6     there's anything else.   I'm about through with him.

7           (Whereupon, a two-minute break was taken.)

8           Q     (By Mr. Ledford)   Officer Gaiter, have you ever  
9     had occasion to go to Mrs. Monts's residence?

10          A     I'm sorry.   Can you -- what --

11          Q     Have you ever been to where she lives?

12          A     Yes.

13          Q     On what occasion?

14          A     On a call, 911 calls.

15          Q     How many times?

16          A     Just a rough guesstimation, three, maybe four.

17          Q     Have you been to her residence after this  
18     incident?

19          A     Yes, sir.

20          Q     How many times?

21          A     Once.

22          Q     Why?

23          A     We got a call about a disturbance--we didn't know  
24     where it was coming from--over in Cripple Creek Apartments,  
25     so we went over there to see what was going on.   Mrs. Monts

1 and her husband were actually involved in some kind of  
2 incident, and her son as well. My supervisor told me, "Just  
3 go ahead and go back to your car and just wait," just  
4 because they were aware that we had had a previous dealing.  
5 She and her husband came out to the patrol car and started  
6 shouting at me, telling me I wasn't supposed to be there and  
7 a whole bunch of other stuff. My -- she called the Chief of  
8 Police at the time, and he voiced his opinion about her  
9 calling him as well, said he shouldn't have given her his  
10 phone number, because she called him at 3:00 in the morning,  
11 disturbing him.

12 Q Did you give her his phone number?

13 A No; she already had it. He gave it to her.

14 Q You're aware that these charges, the disorderly  
15 conduct and disturbing the peace, if they were made, they  
16 were not pressed. Are you aware of that?

17 A Yes, sir. They were the appropriate charges, but  
18 when they go to the court system, it's up to them to decide  
19 what they're going to do with them.

20 Q They were actually dropped --

21 A Dismissed, yeah.

22 Q -- dismissed by the court?

23 A Yeah.

24 Q Dismissed by the court; correct?

25 A I think they were nolle processed actually. Yeah,

1 this is Sumter County, so I'm aware.

2 Q Now, when you went to her residence during the  
3 time you've just told us --

4 A Uh-huh (yes).

5 Q Yes or no?

6 A Yes.

7 Q -- you're familiar with the location?

8 A Uh-huh (yes); yes, sir.

9 Q Now, where were you, at the front door or to the  
10 side or the rear? Just where were you when she noticed you?

11 A I came -- Lieutenant Coley and Officer Pittman  
12 came to the door, and I was the third officer there.  
13 Lieutenant Coley just told me, when they came out of the  
14 door and started yelling and they were intoxicated and were  
15 shouting, he asked me just go back to my patrol car and  
16 wait, just to dissolve the situation. I walked all the way  
17 up the steps, away from them, and they still came out of  
18 their apartment and confronted me.

19 Q Now, tell me the names of the other two officers.  
20 You say there were three of you.

21 A Pittman, Officer Pittman, and Lieutenant Coley.

22 Q Who was the officer in charge at the scene?

23 A The Lieutenant, yes, sir.

24 Q And he's the one that told you to go ahead and get  
25 back in the car?

1           A     Well, he told me just go back to my vehicle, but I  
2     still stayed around just in case there was a problem, but I  
3     did go all the way out to the parking lot, which is not near  
4     where they live.

5           Q     The parking lot is in front of the apartments?

6           A     Yes, sir; and they live on the back, downstairs.

7           Q     Now, the very back of those apartments, you had  
8     access to the back area as well, did you not?

9           A     Yes.

10          Q     Did you go back behind the apartments at any time?

11          A     Just when we originally got there, and when I was  
12     told to leave, I went ahead and left, went out to the  
13     parking lot.

14          Q     Who was the first to arrive?

15          A     We all got there at the same time.

16          Q     Now, what's the Lieutenant's name that told you to  
17     go back to your car?

18          A     Lieutenant Coley; Lieutenant Coley.

19          Q     Coley?

20          A     Uh-huh (yes).

21          Q     Is he still with the Americus P.D.?

22          A     Yes.

23          Q     Were you reprimanded in any way by the Americus  
24     Police Department --

25          A     No.



1           Q     -- for being at the residence of --

2           A     No, sir; I have a right to be anywhere in the City  
3 of Americus, by me being a law enforcement officer. If we  
4 get a 911 call, I can go anywhere, regardless of the  
5 dealings or the situation. I have the right to be anywhere.

6           Q     Have you been to her residence at any time since  
7 then?

8           A     No. I've had dealings with Mr. Monts actually  
9 since then, though.

10          Q     He's not a party to this lawsuit. You understand  
11 that?

12          A     Yes, sir. I was just letting you know that.

13               MR. LEDFORD: Okay. Thanks.

14               MR. McWILLIAMS: I have no questions. That's  
15 good, you're done. And he's going to read and sign  
16 his. As a matter of fact, we'll do it for all of them.

17               (Whereupon, the deposition was concluded at  
18 11:27 a.m.)

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DEPONENT'S SIGNATURE PAGE/ERRATA SHEET

I DO HEREBY CERTIFY that I have read the forgoing deposition and the following corrections are required:

PAGE	LINE	CORRECTION
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\_\_\_\_\_  
Leslie Gaiter (date)

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 2014

Notary Public, My Commission Expires: \_\_\_\_\_

D I S C L O S U R E

GEORGIA, DOUGHERTY COUNTY.

Deposition of: Leslie Gaiter

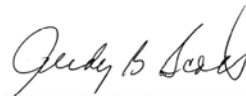
Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter.

I appeared as a sole practitioner.

I did not take this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

This 12th day of July, 2014.

  
\_\_\_\_\_  
Judy B. Scott  
Certified Court Reporter B-1487

C E R T I F I C A T E

GEORGIA, DOUGHERTY COUNTY.

I, Judy B. Scott, Certified Court Reporter, do hereby certify that the foregoing deposition of Leslie Gaiter, was taken before me in the cause, at the time and place, and in the presence of counsel, as stated in the caption hereto at page one hereof; that before giving his deposition, said witness was duly sworn; that the foregoing typewritten transcription is a true record of the testimony of said witness and of all proceedings had at the session at which said deposition was taken.

I further certify that I am neither kin nor counsel to the parties in the case and in no way am I interested in the event of the cause. I further certify that I have no contractual relationship with any party to this action, and my usual and customary charges have been applied in this case.

This 12th day of July, 2014.

  
\_\_\_\_\_  
Judy B. Scott  
Certified Court Reporter B-1487